

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 CRIMINAL WRIT PETITION NO.625 OF 2021

SHERKHAN MIRBAJKHAN PATHAN (C-8455)

VERSUS

THE STATE OF MAHARASHTRA

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Petitioner : Through Jail

APP for the Respondent / State : Mr S.B. Yawalkar

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CORAM : RAVINDRA V. GHUGE

AND

B. U. DEBADWAR, JJ.

Date : 10-06-2021

PER COURT :-

1. The petitioner is a convict. He had approached this Court earlier in Criminal Writ Petition No.513 of 2021 seeking emergency parole. This Court, vide order dated 03-05-2021 had allowed the petition by quashing the order dated 07-08-2020 passed by the Jail Superintendent and had granted emergency parole to the petitioner subject to fulfillment of usual / requisite conditions, that are normally made applicable to the emergency parole leave.

2. By this Criminal Writ Petition filed by the convict, through jail, he has prayed for relaxation of the condition of furnishing two sureties.

3. The learned Prosecutor opposes the petition by contending that it is the Jail Superintendent, Aurangabad Central Jail who has passed an order on 08-05-2021 imposing the usual condition of furnishing two sureties. By this petition, the petitioner prays for modification of the order passed by the Jail Superintendent.

4. The learned Prosecutor points out that this would not be a fit case for modification of the order of furnishing of two sureties for the reason that, on a previous occasion when the petitioner was granted furlough leave, he had failed in reporting to the prison within the prescribed time and had to be arrested and brought back to the prison after a period of 677 days. As such, relaxing the condition of furnishing two sureties and accepting the request of the petitioner that he be permitted to furnish only one surety, is going to be risky as on the last occasion he had furnished two sureties and yet had to be arrested after 677 days.

5. It is further pointed out that the petitioner has already suggested the names of two sureties to the jail authorities on 10-05-2021 and those names have been forwarded for completing the

documentary formalities, to the Tahsil Office at Nashik vide communication dated 12-05-2021.

6. In view of the above, we do not find any reason to entertain this petition as the petitioner has already suggested two sureties whose names have been forwarded to the appropriate authorities.

7. This petition is, therefore, dismissed.

(B. U. DEBADWAR)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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